IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

)	MDL No. 2492
IN RE: NATIONAL COLLEGIATE	1,22 = 1,00 = 1,0
ATHLETIC ASSOCIATION STUDENT-	Master Docket No. 1:13-cv-09116
ATHLETE CONCUSSION INJURY)	
LITIGATION)	Judge John Z. Lee
)	
)	Magistrate Judge M. David Weismar

MOTION FOR ENTRY OF PRIVACY ACT PROTECTIVE ORDER PERMITTING DISCLOSURE OF FEDERAL RECORDS

Pursuant to the Privacy Act, 5 U.S.C. § 552a, Defendant National Collegiate Athletic Association (the "NCAA"), through its counsel, respectfully requests that the Court enter the proposed Privacy Act Protective Order attached hereto as Exhibit 1, permitting the United States of America, which is not a party to this litigation, to disclose certain federal records to facilitate the provision of direct notice to members of the Settlement Class. The United States, through the United States Attorney for the Northern District of Illinois, has considered this Motion and proposed Order and does not object to entry of the Order, provided that Settlement Class Member personal information disclosed pursuant to the Order is used only to provide direct notice of the Settlement to Settlement Class Members. In support of this Motion, the NCAA states the following:

1. On July 15, 2016, this Court entered a Preliminary Approval Order in which it directed the NCAA to request from member institutions contact information for Settlement Class Members. See Preliminary Approval Order (Dkt. #278) at 6.

Capitalized terms herein have the meaning ascribed to them in the Second Amended Settlement Agreement, which is Exhibit 1 to the joint motion for preliminary approval filed with the Court on May 20, 2016. See Second Am. Settlement Agt. (Dkt. #266-1).

- 2. Pursuant to the July 15, 2016 Preliminary Approval Order, the NCAA requested that member institutions provide the Settlement Administrator with pertinent personal information of Settlement Class Members. The personal information provided by member institutions would be used to provide direct notice of the Settlement to Settlement Class Members.
- 3. As part of that request, the NCAA, through counsel, has requested that the Department of Defense, Department of the Army (United States Military Academy), Department of the Navy (United States Naval Academy), Department of Homeland Security (United States Coast Guard Academy) and Department of the Air Force (United States Air Force Academy) disclose the following information:

First name, last name, last known street address, city, state, zip code, e-mail address, telephone number, foreign province code, foreign postal code, and foreign country for the following individuals: All Persons who played an NCAA-sanctioned sport at the United States Military Academy, United States Naval Academy, United States Coast Guard Academy, and United States Air Force Academy, on or prior to July 15, 2016.

- 4. The United States has, in turn, taken the position that compliance with the NCAA's request would require disclosure of information otherwise protected by the Privacy Act, 5 U.S.C. § 552a.
- 5. Pursuant to 5 U.S.C. § 552a(b)(11), the proposed Order would authorize the United States to produce the requested personally-identifiable information, which the United States believes would otherwise be prohibited from disclosure under the Privacy Act.
- 6. The United States believes that release of the requested information under the proposed Privacy Act Protective Order would be to the benefit of the current and former student-athletes who are Settlement Class Members and, therefore, does not object to entry of this proposed Order.

7. On March 8, 2017, Plaintiffs' counsel represented to the NCAA's counsel that Plaintiffs do not oppose the relief sought in this Motion.

WHEREFORE, for the foregoing reasons and for good cause shown, the NCAA respectfully requests that the Court enter the attached Privacy Act Protective Order and grant such other relief as it may deem appropriate.

Dated: March 9, 2017 Respectfully submitted,

/s/ Johanna M. Spellman

Liaison Counsel for Defendant National Collegiate Athletic Association

Mark S. Mester
mark.mester@lw.com
Johanna M. Spellman
johanna.spellman@lw.com
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, Illinois, 60611

Telephone: (312) 876-7700 Facsimile: (312) 993-9767

CERTIFICATE OF SERVICE

I, Johanna Spellman, certify that on March 9, 2017, a true and correct copy of the forgoing MOTION FOR ENTRY OF PRIVACY ACT PROTECTIVE ORDER PERMITTING DISCLOSURE OF FEDERAL RECORDS was filed through the CM/ECF system, which caused notice to be sent to all counsel of record.

/s/ Johanna M. Spellman

Johanna M. Spellman johanna.spellman@lw.com LATHAM & WATKINS LLP 330 North Wabash Avenue, Suite 2800 Chicago, Illinois, 60611

Telephone: (312) 876-7700 Facsimile: (312) 993-9767

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

	MDL No. 2492
IN RE: NATIONAL COLLEGIATE)
ATHLETIC ASSOCIATION STUDENT-) Master Docket No. 1:13-cv-09116
ATHLETE CONCUSSION INJURY)
LITIGATION	Judge John Z. Lee
)
) Magistrate Judge M. David Weisman

[PROPOSED] PRIVACY ACT PROTECTIVE ORDER

This matter coming before the Court on a motion by the National Collegiate Athletic Association pursuant to the Privacy Act, 5 U.S.C. § 552a(b)(11), for an order permitting disclosure of certain information in the possession of the United States of America for use in providing notice to Settlement Class Members in the above-captioned litigation, and the Court being fully informed, it is hereby ORDERED:¹

The following information in the possession of the Department of Defense, Department of the Army (United States Military Academy), Department of the Navy (United States Naval Academy), Department of Homeland Security (United States Coast Guard Academy) and Department of the Air Force (United States Air Force Academy) may be disclosed to the Settlement Administrator:

First name, last name, last known street address, city, state, zip code, e-mail address, telephone number, foreign province code, foreign postal code, and foreign country for the following individuals: All Persons who played an NCAA-sanctioned sport at the United States Military Academy, United States Naval Academy, United States Coast Guard Academy, and United States Air Force Academy, on or prior to July 15, 2016.

Capitalized terms herein have the meaning ascribed to them in the Second Amended Settlement Agreement, which is Exhibit 1 to the joint motion for preliminary approval filed with the Court on May 20, 2016. See Second Am. Settlement Agt. (Dkt. #266-1).

The above-described information shall be used solely for the purposes of	f providing direct notice
of the Settlement to Settlement Class Members and not otherwise.	

So Ordered.			
Dated:	, 2017		
	U.S. District Judge John Z. Lee		